HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Transfer Application No. 249/1999 (New No.17 of 2001)

Jaideep Singh Negi
S/o Sri Jaikrit Singh Negi
R/o Rani Pokhari
P.S. Rishikesh
District Dehradun .....Applicant

Versus

State .....Respondent

Hon'ble J.C.S. Rawat, J.

1. Heard Sri D.C.S. Rawat learned counsel for the applicant and learned A.G.A.

2. The petition was filed under Section 407 of the Code of Criminal Procedure (for short 'Code') seeking transfer of the Case Crime no.491/98 State Vs. Jaideep Singh Negi pending in the court of Chief Judicial Magistrate Pauri Garhwal to any court of competent jurisdiction at Tehri Garhwal.

3. The learned counsel for the applicant has merely contended that there is a danger to his life from local politicians. The learned counsel for the applicant further submitted that if the case is not transferred from Pauri Garhwal to Tehri Garhwal, the applicant's safety would be in danger. The learned A.G.A. refuted the contention. Mere apprehension to the applicant is not sufficient to transfer the case. In these circumstances, it was submitted that the police protection may be given to the applicant while he attends the court at Pauri Garhwal.

4. The learned counsel for the respondents relied upon the decision in **Ranjit Singh vs. Popat Rambhaji Soinawane A.I.R. SC p/292**, which is quoted below:-

"6. The solitary ground urged is that if the petitioner is asked to go to Pune where on his admission

he has a house, his safety would be in danger. This is too nebulous a ground for transferring a case from Pune to Indore. It may be noted that all four witnesses are from Pune. But we must also take necessary precaution for assuring the safety of the petitioner when he is required to attend the court at Pune."

5. In view of the foregoing discussion, I am of the view that the petition is liable to be dismissed. However, the Inspector General concerned is directed to make arrangement for taking the applicant, if need be, in police protection from Dehradun to court of Pauri on the date of hearing and return safely to his house at his own cost as and when required. The applicant will bear the expenses at his own cost.

6. With these directions, the petition is disposed of accordingly.

(J.C.S. Rawat, J.)

Dated 13.10.2004

P. Anjali